

**WASHINGTON COUNTY COMMISSION
MEETING MINUTES
AUGUST 16, 2016**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Alan D. Gardner at 4:00 p.m. on August 16, 2016, in the Washington County Commission Chambers, 197 East Tabernacle St. George, Utah. Those in attendance were Chairman Alan D. Gardner, Commissioner Victor Iverson, Commissioner Zachary Renstrom, Deputy County Attorney Eric Clarke, and Commission Administrator/Deputy County Clerk Nicholle M. Felshaw.

INVOCATION BY: Tim Martin, The Church of Jesus Christ of Latter Day Saints

PLEDGE OF ALLEGIANCE LED BY: Bruce Raftery, United States Marine Veteran

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment for August 3, 2016, through August 16, 2016
- Consideration of Special Commission Meeting Minutes of July 11, 2016 and Regular Commission Meeting Minutes of July 19, 2016
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Applications for Property Tax Abatement: Ruby Edmondston, A/N B000590; Gwendolyn Nies, A/N 0581887; Olivia Auston, A/N 44100; Reta "Kaye" Corbett, A/N 0262751
- Consideration of Approval of a Plan for Expenditure of Revenue Raised Through the Beer Tax

MOTION: Motion by Commissioner Renstrom to Approve the Consent Agenda as Presented. Motion seconded by Commissioner Iverson and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

**PRESENTATION: RECOGNITION OF FORMER COUNTY ADMINISTRATOR:
COMMISSIONERS**

Chairman Gardner presented a plaque to Former County Administrator Dean Cox for twenty-five (25) years of dedicated and loyal service to Washington County.

Mr. Cox expressed appreciation for the privilege of serving with the Commissioners and fellow employees over the past twenty-five (25) years.

PRESENTATION: EMERGENCY SERVICES REPORT: SHERIFF CORY PULSIPHER

Washington County Sheriff Cory Pulsipher reported on Search and Rescue (SAR) efforts from July 19, 2016 through August 16, 2016, stating that there were four (4) call outs for a total of 64 man hours.

Sheriff Pulsipher continued by thanking Findlay Hyundai-Subaru's fundraising efforts over the last six (6) years, which has resulted in donations to Search and Rescue (SAR) in the amount of \$53,202.00.

(See attached SAR report for additional details)

PRESENTATION: PROPOSITION 1, LOCAL OPTION TAX / CITY MAYORS

Mayor Pike, Mayor Hart, Mayor Nielsen, Mayor Peterson, representatives from the Dixie Metropolitan Planning Organization (MPO), representatives from the St. George Chamber of Commerce and citizens throughout Washington County were present at the Commission meeting for the discussion on Proposition 1, Local Option Sales Tax. Several addressed the Commissioners, which included the following information:

It was explained that Washington County is the fifth (5th) fastest growing county in the United States, with Washington City being the fastest growing city in the County. In addition, the County enjoys a significant increase in tourism and visitor traffic each year. The impact on roads is increasing while other modes of transportation, such as trail systems, are in higher demand. Fuel tax reductions have taken place over the years as more fuel efficient or alternative fuel vehicles are being purchased, thus, fewer funds are returned to cities in the form of B&C road funds to improve roads and streets. Due to increased cost of maintenance and a reduction in available funding, cities are finding themselves struggling to keep up with the demands of road maintenance and infrastructure, therefore, funds are being utilized from the General Fund to devote to transportation, which ultimately takes away from other services provided.

The State Legislature passed House Bill (HB) 362, Transportation Infrastructure Funding Bill, in 2015 to help provide all modes of travel at state and local levels and included Proposition one (1), Local Option Sales Tax. HB 362 was intended to offer financial tools to invest in comprehensive transportation options at the local level. If the Local Option

Sales Tax is allowed to be placed on the November ballot and is approved by the citizens, it will amount to one quarter of one percent, which is one cent (\$.01) for every four dollars (\$4.00) spent on purchases, excluding non-prepared food items. This tax will be solely dedicated to transportation and transit for cities, towns and counties; allocating forty percent (40%) of funds to the cities and towns and sixty percent (60%) to Washington County with specific provisions in St. George, Ivins or other communities that have a transit system. It has been estimated that if the voters approve the point two five percent (.25%) Local Option Sales Tax at the November election, over forty percent (40%) will derive from tourists and visitors rather than residents.

The Legislature determined that the voters must have the final say on the Local Option Sales Tax; however, the County decides whether the Local Option Sales Tax is placed on the ballot in November for the citizens to have the opportunity to vote and determine if the tax should be imposed.

Representatives from the Chamber of Commerce expressed appreciation to the Commissioners in considering adding the Local Option Sales Tax on the ballot so that business owners can have the opportunity to vote.

The presentation concluded with the mayors urging the Commissioners to support democracy by empowering the voters this November to choose whether to invest in transportation within the local communities.

An Ivins City resident shared concerns in regards to HB 362, that the State Legislature passed, and was not comfortable with the Commissioners allowing Proposition one (1) to be placed on the ballot for the voters to decide, while another resident was in support of Proposition one (1) being placed on the ballot and would vote in favor of the tax.

See link for the complete informational discussion:
<https://www.youtube.com/watch?v=AUGssZtQowI>

CONSIDERATION OF RESOLUTION NO. R-2016-2073, A RESOLUTION PROVIDING FOR AN OPINION QUESTION TO BE INCLUDED ON THE BALLOT FOR THE GENERAL ELECTION SCHEDULED TO BE HELD ON NOVEMBER 8, 2016, FOR THE PURPOSE OF DETERMINING WHETHER WASHINGTON COUNTY SHOULD IMPOSE A SALES AND USE TAX OF 0.25% FOR HIGHWAYS AND TRANSPORTATION; SETTING THE BALLOT QUESTION; REQUESTING THE ASSISTANCE OF THE COUNTY CLERK AND OTHER COUNTY AGENCIES; PROVIDING FOR A PUBLIC HEARING REGARDING AND NEWSPAPER NOTICE OF THE BALLOT QUESTION; AND PROSCRIBING OTHER MATTERS RELATED TO THE BALLOT QUESTION

Chairman Gardner, Commissioner Iverson and Commissioner Renstrom stated that although they are unclear what the outcome will be following the election, they trust the citizens' judgement and the voters should be able to decide if additional funding is necessary for transportation needs throughout Washington County.

MOTION: Motion by Commissioner Renstrom to Adopt Resolution No. R-2016-2073, a Resolution Providing for an Opinion Question to be Included on the Ballot for the General Election Scheduled to be Held on November 8, 2016, for the Purpose of Determining Whether Washington County Should Impose a Sales and Use Tax of 0.25% for Highways and Transportation; Setting the Ballot Question; Requesting the Assistance of the County Clerk and Other County Agencies; Providing for a Public Hearing Regarding and Newspaper Notice of the Ballot Question; and Proscribing Other Matters Related to the Ballot Question, with the Deputy County Attorney to Explore if Language Can be Added to the Opinion Question so that it Can be Made Clear that Non-Prepared Food Items Does Not Apply to the Local Option Sales Tax. Motion seconded by Commissioner Iverson and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

Deputy County Attorney Eric Clarke explained that a Public Hearing on Proposition One (1) will take place on October 18, 2016 at 6:00 PM in the Commission Chambers at 197 East Tabernacle St., St. George, UT 84770. During the Public Hearing there will be a presentation in favor of the tax, a presentation against the tax, at which point public comments will be heard. The purpose of the Public Hearing is to educate the public on the issue prior to the election. Mail-in ballots will be mailed on October 18, 2016 and a recording of the Public Hearing will be posted on the Public Notice website and the County website within three (3) days of the Public Hearing in an effort to have the information available to those interested. The County is prohibited from expending any County resources advocating for or against Proposition one (1).

PRESENTATION: DRAFT SECTIONS FOR COUNTY RMP FOR PUBLIC COMMENT: CELESTE MALOY

Deputy County Attorney Celeste Maloy explained that Utah State Law requires the County to have a Resource Management Plan (RMP). The long-term plan objective is to have a dynamic working RMP that is utilized and updated frequently, to address resource concerns in Washington County, which will be of value and benefit to residents.

A draft of the first nine (9) sections has been sent to several parties of interest, was presented at a Planning Commission and is currently on the County's website for public review and comment. Ms. Maloy urged the public to review and make comments to the

RMP draft as it becomes available. The draft will continually be updated as comments are received. The same procedure will be followed with all twenty-eight (28) sections and once complete, the final RMP will be presented at a future Commission meeting.

Deputy County Attorney Eric Clarke explained that one advantage to the County maintaining a RMP is the opportunity for the Federal Government to take into account Washington County's written policies in regards to views on public lands.

The draft is also being submitted for comment to the Bureau of Land Management (BLM), the Forest Service, and the Park Service.

CONSIDERATION OF PURCHASE REQUESTS / MARK BLANCH

Road Department, pavement marking/Old Highway 91 & Highway U-144 ... (\$11,675.22)

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Iverson to Approve the Purchase Request as Presented. Motion seconded by Commissioner Renstrom and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF ORDINANCE NO. 2016-1070-O, AN ORDINANCE REZONING A CERTAIN PORTION OF WASHINGTON COUNTY FROM RA-1 ZONE TO M-1 ZONE, HEREINAFTER FULLY DESCRIBED IN THIS ORDINANCE

Community Development Director Scott Messel explained that the current owner is selling approximately one and a half acres of property north of Veyo. There is an existing building on that property that was previously used for manufacturing purposes. The new owners would like to operate a medical waste sterilization facility including an enclave, which cleans waste before going to the landfill.

Currently, the zone is RA-1 (residential-agricultural) and is one (1) acre minimum lot size. The zone change request was to re-zone it to a manufacturing zone in order to operate the facility. Mr. Messel explained that the Planning Commission reviewed it at the public hearing that was held and unanimously recommended the approval of the zone change to the County Commission.

Commissioner Renstrom wanted to be sure that all proper health codes were followed and that it would be regulated. Mr. Messel explained that the planned medical facility will be regulated by the State and the Planning Commission received an approval letter from the Southwest Public Health Department as well.

MOTION: Motion by Commissioner Iverson to Adopt Ordinance No. 2016-1070-O, an Ordinance Rezoning a Certain Portion of Washington County from RA-1 Zone to M-1 Zone, Hereinafter fully described in this Ordinance. Motion seconded by Commissioner Renstrom and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF ORDINANCE NO. 2016-1071-O, AN ORDINANCE VACATING THE UTILITY EASEMENTS ALONG THE SHARED LOT LINE OF LOTS 347 AND 348 OF WINCHESTER HILLS PHASE NO. 9 SUBDIVISION HEREINAFTER FULLY DESCRIBED IN THIS ORDINANCE

Mr. Messel explained that the owner of lots 347 and 348 in Winchester Hills Phase 9 desires to build a home on the north lot. Due to the topography of the lot, the owner would like to adjust the lot line to better suit the placement of the home on the two lots. The lot line adjustment went before the Planning Commission, and after review it was determined that both lots met the zoning requirements and was recommended for approval. Mr. Messel further explained that the subdivision ordinance has changed since the subdivision's approval and utility easements are no longer required on rear lot lines.

MOTION: Motion by Commissioner Renstrom to Adopt Ordinance No. 2016-1071-O, an Ordinance Vacating the Utility Easements Along the Shared Lot Line of Lots 347 and 348 of Winchester Hills Phase No. 9 Subdivision Hereinafter Fully described in this Ordinance. Motion seconded by Commissioner Iverson and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF RESOLUTION NO. R-2016-2069, A RESOLUTION APPROVING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH MOHAVE COUNTY, ARIZONA REGARDING COOPERATION AND COORDINATION OF EMERGENCY SERVICES, INCLUDING LAW ENFORCEMENT SERVICES, NEAR THE UTAH-ARIZONA BORDER

Sheriff Pulsipher explained that there has been no legal agreement with the communities on the Utah-Arizona border. He mentioned that both Mohave County and Washington County Attorneys have put in a great deal of effort into establishing this agreement and making sure the requirements were met in both states.

Deputy County Attorney Eric Clarke further explained that under Utah law, if an Arizona officer enters the state of Utah on a call for assistance under the direction of the Washington County Sheriff, the Arizona officer is extended all governmental immunities

that Utah officers have. Arizona's statute is not the same as Utah's and under this agreement, Mohave County is agreeing to Indemnify Washington County for coverage. Sheriff Pulsipher also mentioned that Mohave County has assisted Washington County on numerous occasions, most notably, during the severe flooding that occurred in Hildale.

MOTION: Motion by Commissioner Renstrom to Adopt Resolution No. 2016-2069, A Resolution Approving the Execution of an Interlocal Cooperation Agreement with Mohave County, Arizona Regarding Cooperation and Coordination of Emergency Services, Including Law Enforcement Services, near the Utah-Arizona Border. Motion seconded by Commissioner Iverson and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF RESOLUTION NO. R-2016-2070, A RESOLUTION NOMINATING PETER KUHLMANN AS A MEMBER OF THE STATE OF UTAH 911 ADVISORY COMMITTEE

Commissioner Gardner explained that Mr. Kuhlmann has been a member of the Utah 911 Advisory Committee for several years, and that this is just a reappointment of that position. He also expressed appreciation for Mr. Kuhlmann's willingness to serve, expressing the importance of Washington County being represented on committees at the state level.

MOTION: Motion by Commissioner Iverson to Adopt Resolution No. 2016-2070, A Resolution Nominating Peter Kuhlmann as a Member of the State of Utah 911 Advisory Committee. Motion seconded by Commissioner Renstrom and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF RESOLUTION NO. R-2016-2071, A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN WASHINGTON COUNTY AND DONNA P. WOMACK REGARDING THE SALE OF A PARCEL OF REAL PROPERTY TO DONNA P. WOMACK

Commissioner Gardner explained that this parcel is a point zero five (.05) acre, narrow strip of land located along 1030 North and is adjacent to a residential subdivision lot owned by Donna P. Womack. Ms. Womack has agreed to purchase the property at current market value.

MOTION: Motion by Commissioner Iverson to Adopt Resolution No. 2016-2071, A Resolution Approving the Execution of an Agreement between Washington County and Donna P. Womack Regarding the Sale of a Parcel of Real Property to Donna P. Womack. Motion seconded by Commissioner Renstrom and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF RESOLUTION NO. R-2016-2072, A RESOLUTION APPROVING THE EXECUTION OF A LEASE AGREEMENT BETWEEN WASHINGTON COUNTY AND BRYCE CHRISTENSEN REGARDING THE LEASE OF A PARCEL OF REAL PROPERTY TO BRYCE CHRISTENSEN FOR THE PURPOSE OF GRAZING HORSES

Commissioner Gardner clarified that it will be used for grazing livestock and went on to explain that the parcel of land is located between Mr. Christensen's house and the Virgin River. Mr. Clarke explained that the parcel is in a flood zone and the lease agreement does not allow for any use of the land except for grazing livestock.

MOTION: Motion by Commissioner Renstrom to Adopt the Execution of a Lease Agreement between Washington County and Bryce Christensen Regarding the Lease of a Parcel of Real Property to Bryce Christensen for the Purpose of Grazing Horses, with the Exception of Amending the Resolution to Change the Word "Horses" to "Livestock". Motion seconded by Commissioner Iverson and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF RESOLUTION NO. R-2016-2074, A RESOLUTION AMENDING THE BOUNDARY OF THE SOUTHWESTERN SPECIAL SERVICE DISTRICT TO EXCLUDE THE AREA WITHIN DIAMOND VALLEY

Commissioner Renstrom explained that the Southwestern Special Service District has been the fire district for both Winchester Hills and Diamond Valley. More than ninety percent (90%) of the residents of Diamond Valley have petitioned to split the fire district. The State Fire Marshall determined that each district would be viable on their own and it was then recommended to split the district.

Resolution R-2016-2074 amended the boundary of the Southwestern Special Service District to include only the Winchester Hills area.

Resolution R-2016-2075 establishes the Diamond Valley Fire Special Service District as a new district.

Deputy Attorney Clarke clarified that the Southwestern Special Service District will oversee fire operations throughout the end of 2016. In order for the new district to be officially up and running by January 1, 2017 the following will take place over the next several months: board member positions will be advertised and appointed, a budget will be created, and property transfer will occur.

MOTION: Motion by Commissioner Renstrom to Adopt Resolution No. R-2016-2074, A Resolution Amending the Boundary of the Southwestern Special Service District to Exclude the Area Within Diamond Valley; and Resolution No. R-2016-2075, A Resolution Establishing the Diamond Valley Fire Special Service District Within Washington County; Describing the Boundaries Thereof, Naming the District, Authorizing and Specifying the Services to be Provided, Setting Forth the Powers, Duties and Authority, Designating the Governing Authority, Providing for the Method or Methods of Payment for the Services to be Furnished and Prescribing Other Matters and Detail Relating to the Establishment, Operations and Functions Thereof. Motion seconded by Commissioner Iverson and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

CONSIDERATION OF RESOLUTION NO. R-2016-2075, A RESOLUTION ESTABLISHING THE DIAMOND VALLEY FIRE SPECIAL SERVICE DISTRICT

See preceding Resolution.

CONSIDERATION OF RESOLUTION NO. R-2016-2076 A RESOLUTION APPROVING THE RELEASE OF SURPLUS PROPERTY TO JEFF BAILEY IN RETURN FOR FUNDS OWED HIM

Sheriff Pulsipher explained that a number of years ago Sergeant Bailey, purchased an M-14 firearm with personal funds. It was determined that only law enforcement agencies can own and maintain those particular firearms and thus, the firearm cannot be possessed by Sergeant Bailey and is required to remain with a law enforcement agency.

Sheriff Pulsipher explained further that the Sheriff's Office previously reloaded its own ammunition, however, due to safety concerns, the office has discontinued the practice. As a result, the reloading equipment has gone unused and is now considered surplus property.

Sergeant Bailey shoots competitively, often representing the Sheriff's office. He has been using and maintaining the reloading equipment, and is now asking to keep the equipment as a trade for the funds used to purchase the M-14 firearm.

MOTION: Motion by Commissioner Iverson to Adopt Resolution No. 2016-2076, A Resolution Approving the Release of Surplus Property to Jeff Bailey in Return for Funds Owed Him. Motion seconded by Commissioner Renstrom and carried by unanimous vote, with Commissioners Gardner, Iverson and Renstrom voting aye.

COMMISSIONERS' REPORT

Commissioner Iverson reported on the success of this year's county fair. He mentioned that the entertainment was fun and the weather cooperated as well.

PUBLIC WORKS OR ROAD BUSINESS

Public Works Director Ron Whitehead was out of town on County business.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

Community Development Director Scott Messel mentioned that a Conditional Use Permit was granted for two large parcels, approximately 240 acres in size, located on the old church farm south of the Southern Parkway, for the purpose of operating a gravel pit.

He went on to say that Verizon Wireless has entered into a lease agreement and has submitted a request for a Conditional Use Permit approval to install a 100-foot cell tower located in Veyo.

HCP BUSINESS

Habitat Conservation Plan (HCP) Director Lynn Chamberlain reported that there have been five (5) tortoises picked up from take areas that will be sent for disease and blood testing. If they are negative for disease, they will be released back into the reserve.

There being nothing further to come before the Commission, the meeting was adjourned at 5:23 p.m.

NICHOLLE M. FELSHAW
DEPUTY CLERK

ALAN D. GARDNER
CHAIRMAN